

ORDINANCE 1589

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, UPDATING TITLE 15 OF THE NORTH BEND MUNICIPAL CODE TO ADOPT THE 2015 WASHINGTON STATE BUILDING CODE AND SPECIFICALLY AMENDING NBMC SECTIONS 15.02.030, 15.02.050, 15.02.140, 15.02.150, 15.02.170, 15.08.180, 15.02.240, 15.02.490, 15.02.500, 15.02.570, 15.02.640, 15.02.1070, 15.02.1110, 15.02.1170, 15.04.010, 15.06.010, 15.08.010, 15.10.010, 15.16.010, 15.18.010, 15.18.140, 15.18.145, 15.18.180, 15.18.200, 15.18.210, 15.18.230, 15.20.010, 15.22.010, 15.26.010, 15.26.060, 15.26.070, 15.36.010, 15.36.040, 15.36.050, AND 15.36.070 THROUGH 15.36.130; REPEALING NBMC CHAPTER 15.32 AND SECTIONS 15.02.160, 15.18.195, 15.24.010, AND 15.36.060; ADDING NEW NBMC SECTIONS 15.18.015 AND 15.18.260 THROUGH 15.18.330; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the State legislature has established the Washington State Building Code as set forth in RCW 19.27.031 and directed the State Building Code Council to adopt and maintain the Washington State Building Code; and

WHEREAS, the State Building Code Council has formally adopted the 2015 edition of the Washington State Building Code pursuant to RCW 19.27.074, which go into effect on July 1, 2016; and

WHEREAS, the City Council of the City of North Bend has previously adopted numerous building and inspection codes by reference to protect the health, safety and welfare of the citizens as set forth in NBMC Title 15; and

WHEREAS, the City Council wishes to amend NBMC Title 15 in order to be consistent with the State Building Codes and to clarify the administrative rules for the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. NBMC 15.02.030 (Provisions which apply), Amended: North Bend Municipal Code Section 15.02.030 (Provisions which apply) is hereby amended to read as follows:

15.02.030 Provisions which apply.

The following provisions of the CAC, as adopted by the State of Washington and the City, shall apply to the administration of the technical codes:

- A. 2015 International Building Code – WAC 51-50
- B. 2015 International Residential Code – WAC 51-51
- C. 2015 International Mechanical Code – WAC 51-52
- D. National Fuel Gas Code (NFPA 54) – WAC 51-52
- E. Liquefied Petroleum Gas Code (NFPA 58) –WAC 51-52
- F. 2015 International Fuel Gas Code – WAC 51-52
- G. 2015 International Fire Code – WAC 51-54A
- H. 2015 Uniform Plumbing Code – WAC 51 –56
- I. 2015 International Property Maintenance Code
- J. 2015 International Green Construction Code
- K. 2015 International Existing Building Code – WAC 51-50

Section 2. NBMC 15.02.050 (Definitions), Amended: North Bend Municipal Code Section 15.02.050 (Definitions) is hereby amended to read as follows:

15.02.050 Definitions.

For purposes of the CAC, certain terms, phrases, words and their derivatives shall have the meanings set forth in this section. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third International Dictionary of the English Language, Unabridged latest edition, provides ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

- 1. "Action" means a specific response complying fully with a specific request by the jurisdiction.
- 2. "Addition" means an extension or increase in floor area or height of a building or structure.
- 3. "Alter" or "alteration" means a change or modification of a building, structure or building service equipment.
- 4. "Approved" as to materials, types of construction, equipment and systems, means and refers to approval by the building official as the result of investigation and tests conducted by the building official, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.
- 5. "Approved agency" means an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when the agency has been approved by the building official.

6. "Building" means a structure used or intended for supporting or sheltering a use or occupancy.
7. "Existing building" means a building erected prior to the adoption of Ordinance 1214, or one for which a legal building permit has been issued and approved.
8. "Building official" means the officer or other designated authority charged with the administration and enforcement of the CAC, or regularly authorized deputy thereof.
9. "Building service equipment" means and refers to the plumbing, mechanical and electrical equipment including piping, wiring, fixtures, and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, firefighting, and transportation facilities essential to the occupancy of the building or structure for its designated use.
10. "Complete response" means an adequate response to all requests from city staff in sufficient detail to allow the application to be processed as determined by the building official.
11. "Dangerous Building Code" shall mean the 2015 International Property Maintenance Code promulgated by the International Code Council as adopted by the jurisdiction.
12. "Energy code" means the 2015 International Energy Conservation Code promulgated by the Washington State Building Code Council as adopted by the jurisdiction.
13. "'High-rise Building" means buildings having occupied floors, or occupied roof, located more than 75 feet (22,860 mm) above the lowest level of fire department vehicle access.
14. "Housing code" means the 2015 International Property Maintenance Code promulgated by the International Code Council as adopted by the jurisdiction.
15. "IBC" means the latest edition of the International Building Code promulgated by the International Code Council as adopted by this jurisdiction.
16. "IEBC" means the latest edition of the International Existing Building Code promulgated by the International Code Council as adopted by this jurisdiction.
17. "IFC" means the latest edition of the International Fire Code promulgated by the International Code Council as adopted by this jurisdiction.
18. "IMC" means the latest edition of the International Mechanical Code promulgated by the International Code Council as adopted by this jurisdiction.
19. "IPC" means the latest edition of the International Plumbing Code promulgated by the International Code Council as adopted by this jurisdiction.

20. "IRC" means the latest edition of the International Residential Code promulgated by the International Code Council as adopted by this jurisdiction.
21. "Listed" and "listing" are terms referring to equipment or materials included in a list by an approved testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of current production of listed equipment or materials. The published list shall state that the material or equipment complies with approved nationally recognized codes, standards, or tests and has been tested or evaluated and found suitable for use in a specified manner.
22. "LPG" means Liquefied Petroleum Gas.
23. "NEC" means the latest edition of the National Electrical Code promulgated by the National Fire Protection Association.
24. "NFPA" means the National Fire Protection Association.
25. "Occupancy" means the purpose for which a building, or part thereof, is used or intended to be used.
26. "Owner" means any person, agent, firm, or corporation having legal or equitable interest in the property.
27. "Permit" means an official document or certificate issued by the building official authorizing performance or specified activity.
28. "Person" means a natural person, heirs, executors, administrators or assigns and includes a firm, partnership, or corporation, its or their successors or assigns, or the agent of any of the aforesaid.
29. "Power Tap" A listed device for indoor use consisting of an attachment plug on one end of a flexible cord and two or more receptacles on the opposite end, and has over current protection.
30. "Repair" means the reconstruction or renewal of any part of an existing building, structure, or building service equipment for the purpose of its maintenance.
31. "Registered Plan Program" means a program to allow one set of approved plans to be used for construction of multiple identical buildings in order to reduce plan review time.
32. "SBCC" means the Washington State Building Code Council as appointed by the governor of the State of Washington.
33. "Shall" as used in this chapter, is mandatory.
34. "Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

35. “Structural observation” means the visual observation of the structural system, for general conformance to the approved plans and specifications, at significant construction stages and at completion of the structural system. Structural observation does not include or waive the responsibility for the inspections required by the building code or residential code or other sections of the CAC.
36. “Technical codes” are the codes, appendices and referenced code standards adopted by the jurisdiction.
37. “UPC” means the latest edition of the Uniform Plumbing Code promulgated by the International Code Council as adopted by this jurisdiction.
38. “Valuation” or “value” as applied to a building or building service equipment, means and shall be the estimated cost to build or replace a building and its building service equipment in kind, based on current replacement costs. It shall also include the contractor’s overhead and profit.

Section 3. NBMC 15.02.140 (Plumbing), Amended: North Bend Municipal Code Section 15.02.140 (Plumbing) is hereby amended to read as follows:

15.02.140 Plumbing.

The plumbing code as adopted by NBMC 15.20.010 shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

Section 4. NBMC 15.02.150 (Energy), Amended: North Bend Municipal Code Section 15.02.150 (Energy) is hereby amended to read as follows:

NBMC 15.02.150 Energy.

The provisions of the International Energy Conservation Code of the State of Washington shall apply to all matters governing the design and construction of buildings for energy efficiency.

Section 5. Repealer: North Bend Municipal Code Section 15.02.160 (Ventilation and indoor air quality) is hereby repealed in its entirety.

Section 6. NBMC 15.02.170 (Electrical), Amended: North Bend Municipal Code Section 15.02.170 (Electrical) is hereby amended to read as follows:

15.02.170 Electrical.

The provisions of the 2012 National Electrical Code (NEC) shall apply to the installation of electrical systems, including alterations,

repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. Within the city of North Bend, enforcement of the NEC shall fall under the jurisdiction of the state of Washington.

Section 7. NBMC 15.02.180 (International Property Maintenance Code), Amended: North Bend Municipal Code Section 15.02.180 (International Property Maintenance Code) is hereby amended to read as follows:

15.02.180 International Property Maintenance Code.

The provisions of the 2015 International Property Maintenance Code are hereby adopted and shall apply to the maintenance of buildings and private property.

Section 8. NBMC 15.02.240 (Existing structures), Amended: North Bend Municipal Code Section 15.02.240 (Existing structures) is hereby amended to read as follows:

15.02.240 Existing structures.

The legal occupancy of any structure shall be permitted to continue without change, except as is specifically covered in the CAC, the International Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public

Section 9. NBMC 15.02.490 (Fire code permits required), Amended: North Bend Municipal Code Section 15.02.490 (Fire code permits required) is hereby amended to read as follows:

15.02.490 Fire code permits required.

The fire code official is authorized to issue operational permits for the operations set forth in IFC Sections 105.6.1 through 105.6.46 and is further authorized to issue construction permits for work as set forth in IFC Sections 105.7.1 through 105.7.16.

Section 10. NBMC 15.02.500 (Work exempt from permit), Amended: North Bend Municipal Code Section 15.02.500 (Work exempt from permit) is hereby amended to read as follows:

15.02.500 Work exempt from permit.

Exemptions from permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction.

A. Building permits shall not be required for the following:

1. One-story detached residential accessory structures used as tool and storage sheds, tree-supported play structures, playhouse and similar uses, provided the floor area does not exceed 200 square feet (11.15 m²);
2. Fences not over six feet (1,829 millimeters) high;
3. Oil derricks;
4. Retaining walls, which are not over four feet (1,219 millimeters) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids;
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 liters) and the ratio of height to diameter or width does not exceed two to one;
6. Sidewalks and driveways not more than 30 inches (762 millimeters) above grade, and not over any basement or story below, and decks that are not attached to a dwelling and do not serve the required exit door;
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
8. Replacement of siding for accessory structures, not intended for human occupancy, that are associated with a single-family residence structures;
9. Temporary motion picture, television and theater stage sets and scenery;
10. Prefabricated swimming pools accessory to a Group R-3 occupancy, which are less than 24 inches (610 millimeters) deep, do not exceed 5,000 gallons (18,925 liters) and are installed entirely above ground;
11. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems;
12. Swings, slides and other similar playground equipment;
13. Window awnings in single-family residences (R-3) and Group U occupancies, supported by an exterior wall which

do not project more than 54 inches (1,372 millimeters) from the exterior wall and do not require additional support;

14. Movable cases, counters and partitions not over five feet nine inches (1,753 millimeters) in height.
15. Satellite earth station antennas six and one-half feet (two meters) or less in diameter or diagonal in zones other than residential zones.
16. Satellite earth station antennas three and one-quarter feet (one meter) or less in diameter in residential zones.
17. Video programming service antennas three and one-quarter feet (one meter) or less in diameter or diagonal dimension, regardless of zone.
18. Window replacement in single-family residences as long as the replacement does not reduce the egress, safety glazing, or energy requirements and the structural opening for said window replacement remains the same.

Section 11. NBMC 15.02.570 (Expiration), Amended: North Bend Municipal Code Section 15.02.570 (Expiration) is hereby amended to read as follows:

15.02.570 Expiration.

A. Every permit issued shall expire 2 years from the date of issuance. The Building Official is authorized to approve a request for an extended expiration date, where a construction schedule is provided by the applicant and approved prior to permit issuance.

B. Every permit may be renewed for a period of 1 year beyond the original expiration date for an additional fee equal to 50% of the original permit fees, as long as no changes have been made to the originally approved plans and new building codes have not been adopted. Renewals must be applied for prior to the expiration date of the original permit. Paid impact fees and utility connection charges will not be required to be paid again. No permit shall be renewed more than once.

C. Mechanical and plumbing permits shall expire at the same time as the associated building permit except that if no associated building permit is issued, the mechanical and/or plumbing permit shall expire 180 days from the date of issuance. The Building Official is authorized to approve a request for an extended expiration date of mechanical and/or plumbing permits associated

with a building permit when a construction schedule is provided by the applicant and approved prior to permit issuance. There shall be no extensions of stand-alone mechanical and/or plumbing permits under this subsection.

D. The City may authorize an extension to the expiration date up to 30 days beyond the written date of notification with no additional fee when only the final building inspection is remaining and all other work has been approved. If work required under a final inspection is not completed within the 30-day extension period, the permit shall expire.

Section 12. NBMC 15.02.640 (Use of consultants), Amended: North Bend Municipal Code Section 15.02.640 (Use of consultants) is hereby amended to read as follows:

15.02.640 Use of consultants.

Whenever review of a building permit application requires retention by this jurisdiction for professional consulting services, the applicant shall reimburse this jurisdiction the cost of such professional consulting services as established in the fee schedule established by the jurisdiction. This fee shall be in addition to the normal plan review and building permit fees. This jurisdiction may require the applicant to deposit an amount with this jurisdiction estimated in the discretion of the building official to be sufficient to cover anticipated costs to retaining professional consultant services and to ensure reimbursement for such costs.

Section 13. NBMC 15.02.1070 (Use and occupancy), Amended: North Bend Municipal Code Section 15.02.1070 (Use and occupancy) is hereby amended to read as follows:

15.02.1070 Use and occupancy.

No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the CAC or of other ordinances of this jurisdiction.

Before occupying or using the property or structure for which a building permit has been issued, the applicant must first request and obtain a certificate of occupancy from the building official. Group U, single-family residential garages are exempt from this requirement. The applicant shall make a formal request for the certificate of occupancy a minimum of 14 calendar days before the certificate is required. The request shall be accompanied by all

documentation or bonding necessary to secure performance on any outstanding items if allowed by the city. The certificate of occupancy will only be issued after the building official has inspected the property or structure(s), and has found no violations of adopted codes or project conditions, and that all requirements of the city of North Bend have been satisfied.

Section 14. NBMC 15.02.1110 (Maintenance of safeguards), Amended: North Bend Municipal Code Section 15.02.1110 (Maintenance of safeguards) is hereby amended to read as follows:

15.02.1110 Maintenance of safeguards.

Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of the CAC, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with the CAC and applicable referenced standards. Such device, equipment, system, condition, arrangement, level of protection, or any other feature shall be maintained in accordance with IFC Sections 107.1 through 107.5.

Section 15. NBMC 15.02.1170 (Violations/unlawful acts), Amended: North Bend Municipal Code Section 15.02.1170 (Violations/unlawful acts) is hereby amended to read as follows:

15.02.1170 Violations/unlawful acts.

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by the CAC, or cause same to be done, in conflict with or in violation of any of the provisions of the CAC. Any violation of this section shall be remedied using the provisions of Chapter 1.20 NBMC.

Section 16. NBMC 15.04.010 (International Building Code adopted), Amended: North Bend Municipal Code Section 15.04.010 (International Building Code adopted) is hereby amended to read as follows:

15.04.010 International Building Code adopted.

The 2015 edition of the International Building Code, including Appendix E, published by the International Code Council, as adopted and hereafter amended by the State Building Code Council in Chapter 51-50 WAC, is hereby adopted by reference with the following exceptions: excluding chapter 1.

Section 17. NBMC 15.06.010 (International Residential Code adopted), Amended: North Bend Municipal Code Section 15.06.010 (International Residential Code adopted) is hereby amended to read as follows:

15.06.010 International Residential Code adopted.

The 2015 edition of the International Residential Code, including Appendices F, G and R, published by the International Code Council, as adopted and hereafter amended by the State Building Code Council in Chapter 51-51 WAC, is hereby adopted by reference with the following exceptions: excluding chapter 1, chapter 11, and chapters 25 through 43.

Section 18. NBMC 15.08.010 (State code adopted), Amended: North Bend Municipal Code Section 15.08.010 (State code adopted) is hereby amended to read as follows:

15.08.010 State code adopted.

Subject to the provisions of RCW 35.21.180, the WSDOT/APWA Standard Specifications for Road, Bridge, and Municipal Construction, as prepared by the Washington State Chapter of American Public Works Association, are adopted by reference for the regulation of specifications for municipal public works construction within the city. Subject to the provisions of RCW 35.21.180, any future amendments of the standard specifications for municipal public works construction as prepared by Washington State Chapter, American Public Works Association, most current edition, shall also be deemed to be amendments of this chapter by reference.

Section 19. NBMC 15.10.010 (International Mechanical Code adopted), Amended: North Bend Municipal Code Section 15.10.010 (International Mechanical Code adopted) is hereby amended to read as follows:

15.10.010 International Mechanical Code adopted.

The 2015 edition of the International Mechanical Code published by the International Code Council, as adopted and hereafter amended by the State Building Code Council in Chapter 51-52 WAC, is hereby adopted by reference with the following exceptions: excluding chapter 1.

Section 20. NBMC 15.16.010 (International Fuel Gas Code adopted), Amended: North Bend Municipal Code Section 15.16.010 (International Fuel Gas Code adopted) is hereby amended to read as follows:

15.16.010 International Fuel Gas Code adopted.

The 2015 edition of the International Fuel Gas Code published by the International Code Council, as adopted and hereafter amended

by the State Building Code Council in Chapter 51-52 WAC, is hereby adopted with the following exceptions: excluding chapter 1.

Section 21. NBMC 15.18.010 (International Fire Code adopted), Amended: North Bend Municipal Code Section 15.18.010 (International Fire Code adopted) is hereby amended to read as follows:

15.18.010 International Fire Code adopted.

The 2015 edition of the International Fire Code (IFC), including Appendices B, C and D, published by the International Code Council, as adopted and hereafter amended by the State Building Code Council in Chapter 51-54A WAC is hereby adopted except as amended by this chapter.

Section 22. New NBMC 15.18.015 (General definitions), Adopted: A new North Bend Municipal Code Section 15.18.015 (General definitions) is hereby adopted to read as follows:

15.18.015 General definitions.

Section 202 of the International Fire Code as adopted is hereby amended to include the following additional definitions:

A. High-rise Building. Buildings having occupied floors, or occupied roof, located more than 75 feet (22,860 millimeters) above the lowest level of fire department vehicle access.

Section 23. NBMC 15.18.140 (Sprinkler systems required), Amended: North Bend Municipal Code Section 15.18.140 (Sprinkler systems required) is hereby amended to read as follows:

15.18.140 Sprinkler systems required.

Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section.

A. With the exception of detached single-family residences, all newly constructed buildings with a gross square footage of 5,000 square feet regardless of type or use as well as zero lot line townhouses with an aggregate area of 5,000 square feet or greater must be sprinklered.

B. Additions or alterations to existing buildings that is greater than 50 percent of the buildings assessed valuation and would result in a gross floor area greater than 5,000 square feet must be retrofitted with an automatic fire sprinkler system. Subject to the fire code official, a phasing of up to five years is permitted. Exception: Detached single-family residences from the provisions of this section.

C. Floor Area, Gross. For the purpose of this section, “gross floor area” shall be defined as the floor area whether above or below grade within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of the interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts. For the purposes of this section, fire barriers, firewalls, or fire partitions of any type do not constitute separate buildings

Section 24. NBMC 15.18.145 (False alarms – Penalties), Amended: North Bend Municipal Code Section 15.18.145 is hereby amended to read as follows:

15.18.145 False alarms – Penalties.

A. For the purpose of determining the time periods imposed by this section, false alarms shall be dated from the day of their occurrence.

B. First Response. Response to a premises at which no other false alarm has occurred within the same calendar month shall be referred to as a “first response.” No penalty or administrative sanction shall be imposed by any first response.

C. Second and Subsequent Response – Civil Penalty. When two or more false alarms have occurred at any premises in any calendar month, the owner shall have committed the infraction of a “repetitive false alarm.” The civil penalty for a second and succeeding false alarm in any calendar month shall be \$200.00 per occurrence, in addition to any fees imposed pursuant to Chapter 3.62 IMC. Any false alarm which results from a failure to take required corrective action to prevent such recurrence after notice thereof by the fire chief and/or any nonpayment of any false alarm penalty may result in the fire chief providing written notice ordering the disconnection of such alarm until the required corrective action or payment of penalty has been made; provided, however, that no disconnection shall be ordered on any premises required by law to have an alarm system in operation.

D. Notice of Violation – Responsibility for Issuance. The fire chief shall be responsible for the issuance of written notices of infraction to the owner following the second and each succeeding false alarm in any calendar month. The fire chief shall notify the

city finance department of the amount of the penalties to be collected. It shall be the responsibility of the finance department to collect such penalties.

E. It shall be unlawful for any person to silence or reset a commercial fire alarm system without the approval of the Fire Chief.

Section 25. NBMC 15.18.180 (Portable fire extinguishers required), Amended: North Bend Municipal Code Section 15.18.180 (Portable fire extinguishers required) is hereby amended to read as follows:

15.18.180 Portable fire extinguishers required.

Subsection 906.1 of the International Fire Code as adopted is amended to read as follows:

Portable fire extinguishers shall be installed in the following locations:

1. In all Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.
2. Within 30 feet (9,144 mm) of commercial cooking equipment.
3. In areas where flammable or combustible liquids are stored, used or dispensed.
4. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 1415.1.
5. Where required by the sections indicated in Table 906.1.
6. Special-hazard areas, including but not limited to laboratories, computer rooms and generator rooms, where required by the fire code official.

Section 26. Repealer: North Bend Municipal Code Section 15.18.195 (Administrative fees on certain permits) is hereby repealed in its entirety.

Section 27. NBMC 15.18.200 (IFC Referenced codes and standards), Amended: North Bend Municipal Code Section 15.18.200 (IFC Referenced codes and standards) is hereby amended to read as follows:

15.18.200 IFC referenced codes and standards.

The codes and standards referenced in this chapter shall be those that are listed in IFC Chapter 80. Such codes and standards shall be considered part of the requirements of this chapter to the prescribed extent of each such reference as determined by the fire code official. Where differences occur between the provisions of this chapter and the referenced standards, the provisions of this chapter shall apply.

When requested in writing by the permit applicant, and allowed by the Fire Code official, editions of standards not herein referenced may be utilized provided the entire standard is utilized.

Section 28. NBMC 15.18.210 (Overcrowding), Amended: North Bend Municipal Code Section 15.18.210 (Overcrowding) is hereby amended to read as follows:

15.18.210 Overcrowding.

Section 107.6 of the International Fire Code as adopted is hereby amended to read as follows:

Overcrowding or admittance of any person beyond the approved capacity of a building or a portion thereof shall not be allowed. The fire code official, upon finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress, or upon finding any condition which constitutes a life safety hazard, shall be authorized to direct actions be taken to reduce the overcrowding or to cause the event to be stopped until such condition or obstruction is corrected.

Section 29. NBMC 15.18.230 Repealed and Re-Adopted: North Bend Municipal Code Section 15.18.230 (Emergency responder radio coverage) is hereby repealed in its entirety and a new Section 15.18.230 (Emergency responder radio coverage) is hereby adopted to read as follows:

15.18.230 Emergency responder radio coverage. The following sections of the International Fire Code as adopted are amended to read as follows:

510.1 Emergency responder radio coverage in new buildings.

Approved radio coverage for emergency responders shall be provided with buildings meeting any of the following conditions:

1. There are more than five stories above grade plane (as defined by the International Building Code, Section 202);
 2. The total building is 50,000 square feet or greater;
 3. The total basement area is 10,000 square feet or greater;
- or

4. There are floors used for human occupancy more than 30 feet below the finish floor of the lowest level of exit discharge.

Radio coverage is based upon the existing coverage levels of the public safety communication systems of the jurisdictions at the exterior of the building. This section shall not require improvements of the existing public safety communication system.

510.2 Emergency responder radio coverage in existing buildings. Existing buildings shall be provided with approved radio coverage for emergency responders as required in IFC 1103.2.

510.3.2 Operational permit. An operational permit is required to operate an in building radio system.

510.4.2.4 Signal Booster Requirements. If used, signal boosters shall meet the following requirements:

1. All active signal booster components shall be contained in a (NEMA) 4, IP66-type waterproof cabinet or equivalent.
2. The battery system shall be contained in a (NEMA) 4, IP66-type waterproof cabinet or equivalent.
3. The system shall include automatic alarming of malfunctions of the signal booster and battery system. Any resulting trouble alarm shall be automatically transmitted to an approved central station.
4. Equipment shall have FCC certification prior to installation.

510.5.3 Acceptance Test procedure. Acceptance testing for Emergency responder radio amplification system is required, upon completion of installation. It is the building owner's responsibility to have the radio system tested by qualified personnel to ensure a minimum of 95% two-way coverage on each floor of the building.

A report shall be submitted to the Fire Marshal at the conclusion of acceptance testing containing a floor plan and the signal strengths at each location tested and other relevant information. A representative of the Fire Marshal's Office may oversee the acceptance test. Acceptance testing is also required whenever changes occur to the building that would materially change the

original field performance test. The test procedure shall be conducted as follows:

1. Each floor of the building shall be divided into a grid of approximately forty (40) equal areas.
2. Testing shall use a two (2) watt, portable transceiver with speaker/microphone and flexible antenna (or any calibrated device which will produce signal levels useable by the prescribed portable radio). Field strength testing instruments must have been calibrated within one (1) year of the date of the acceptance test. Field strength testing instruments must be of the frequency selective type incorporating a flexible antenna similar to the ones used on the hand held transceivers. City Radio System Manager may designate alternate methods of measuring the signal level, which satisfy appropriate levels of public safety coverage.
3. A maximum of two (2) nonadjacent areas will be allowed to fail the test.
4. In the event that three (3) of the areas fail the test, the floor may be divided into eighty (80) equal areas in order to be more statistically accurate. In such event, a maximum of four (4) nonadjacent areas will be allowed to fail the test. After the eighty (80) area tests, if the system continues to fail, the building owner shall have the system altered to meet the 95% coverage requirement.
5. A spot located approximately in the center of a grid area will be selected for the test, then the radio will be keyed to verify two-way communication to and from the outside of the building through the Regional 800 MHz Radio System. Once the spot has been selected, prospecting for a better spot within the grid area is not permitted. The gain values of all amplifiers shall be measured and the results kept on file with the building owner so that the measurements can be verified each year during the annual tests. In the event that the measurement results become lost, the building owner will be required to rerun the acceptance test to reestablish the gain values.
6. The gain values of all amplifiers shall be measured and the test measurement results shall be kept on file with the building owner so that the measurements can be verified during annual tests. In the event that the measurement results become lost, the building owner shall be required to rerun the acceptance test to reestablish the gain values.
7. As part of the installation a spectrum analyzer or other suitable test equipment shall be utilized to ensure spurious oscillations are not being generated by the

subject signal booster. This test shall be conducted at time of installation and subsequent annual inspections.

510.5.5 Approval Prior to Occupancy. A Certificate of Occupancy shall not be issued to any structure if the building fails to comply with Section 510.

510.6 Maintenance. The emergency responder radio coverage system shall be maintained operational at all times in accordance with Sections 510.6.1 through 510.6.3.

510.6.1 Testing and proof of Compliance. The emergency responder radio coverage system shall be inspected and tested annually, or whenever structural changes occur including additions or remodels that could materially change the original field performance tests. Testing shall consist of the following:

1. In-building coverage test as described in Section 510.5.3.
Exception: Group R Occupancy annual testing is not required within dwelling units.
2. Signal boosters shall be tested to ensure that the gain is the same as it was upon initial installation and acceptance.
3. Backup batteries and power supplies shall be tested under load of a period of 1 hour to verify that they will properly operate during an actual power outage. If within the 1-hour test period the battery exhibits symptoms of failure, the test shall be extended for additional 1-hour periods until the integrity of the battery can be determined.
4. All other active components shall be checked to verify operation within the manufacturer's specifications.
5. At the conclusion of the testing, a report, which shall verify compliance with Section 510.5.3, shall be submitted to the fire code official.

510.6.2 Identification. Radio Coverage system shall be identified by a sign located on or near the Fire Alarm Control Panel stating "This building is equipped with an Emergency Responder Radio Coverage System."

510.6.3 Field Testing. Police and Fire Personnel shall at any time have the right to enter onto the property to conduct its own field-testing to be certain that the required level of radio coverage is present.

Section 30. New NBMC 15.18.240 (Obstructing operations), Adopted: A new North Bend Municipal Code Section 15.18.240 (Obstructing operations) is hereby adopted to read as follows:

15.18.240 Obstructing operations.

No person shall obstruct the operations of the fire department in connection with extinguishment, or control or investigation of any fire, or actions relative to other emergencies, or disobey any lawful command of the fire chief or officer of the fire department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department.

Section 31. New NBMC 15.18.250 (Fire apparatus access roads), Adopted: A new North Bend Municipal Code Section 15.18.250 (Fire apparatus access roads) is hereby adopted to read as follows:

15.18.250 Fire apparatus access roads.

A. Fire apparatus access roads shall be provided and maintained by the City of North Bend in accordance with WAC 51-54A-0503.

B. Exceptions to IFC model provisions. The following sections of the International Fire Code as adopted are amended to read as follows:

1. 503.2.1 Dimensions. Fire apparatus access roads, other than those governed above, or on private property, shall have an unobstructed width of not less than 20 feet (6,096 mm), except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4,115 mm). Emergency Vehicle access roads shall be constructed in accordance with City of North Bend Municipal Code and standards.

2. 503.2.7 Grade. The grade of the fire apparatus access road shall be no more than 15% slope. Access roads may be permitted to exceed 15% with approval of the fire official, where all buildings are provided with an approved fire sprinkler system.

3. 503.3. Markings. When required by the Fire Chief, approved signs or other approved notices shall be provided and maintained for fire apparatus roads to identify such roads and prohibit the obstruction thereof or both.

a. All designated fire lanes shall be clearly marked by the property owner in the following manner: Vertical curbs shall be painted six (6") inches in height and shall be painted red on the top and side, extending the length of the designated fire lane with four inch (4") white block lettering stenciled on the face "NO PARKING – FIRE LANE." The stenciling shall be spaced every fifty feet (50'). Rolled curbs or surfaces without curbs shall have a six inch (6")

wide red stripe painted extending the length of the designated fire lane with four inch (4") white block lettering stenciled on the stripe "NO PARKING – FIRE LANE." The stenciling shall be spaced every fifty feet (50').

b. Signs may be substituted for curb painting when approved in writing by the fire marshal.

c. Signs shall be not less than eighteen inches (18") in height by twelve inches (12") in width, with block lettering of not less than three inches (3") high brush stroke, reading: "NO PARKING – FIRE LANE." Such signs shall be reflective in nature, with red lettering on a white background, and spaced at intervals of not less than fifty feet (50') apart. The top of such signs shall not be less than four feet (4') or more than six feet (6') from the ground. Signs may be placed on buildings when approved in writing by the fire marshal. When posts are required, they shall be constructed of either two inch (2") or greater galvanized steel, or four inch by four inch (4" x 4") or greater pressure treated wood.

d. The fire marshal may approve deviations from any of the specifications in writing.

e. Existing signs may be allowed to remain until the fire marshal determines that a need for replacement exists based on the legibility or other deterioration of the existing signs. Such replacement shall occur within 30 days of receiving written notification of the deficiency.

f. Fire lanes shall be established and maintained as often as required by the fire marshal to clearly identify the designated area as a fire lane, at the sole expense of the property owner. The property owner shall have completed the required establishment or maintenance of fire lanes within 30 days of receiving written notification that such is necessary.

g. At the entrance to the property where fire lanes have been designated, signs shall be posted in a clearly conspicuous location, and shall clearly state that vehicles parked in fire lanes may be impounded, and the name, telephone number, and address of the towing firm where the vehicle may be redeemed.

h. The owner, manager, or person in charge of any property upon which any designated fire lane has been established shall be responsible to prevent the parking of vehicles in such fire lanes by informing the appropriate towing company of the violation. If the

lane is blocked by any other obstructions, the owner, manager, or person in charge of the property shall attempt to remove the obstruction, and if unable, shall inform the fire department that the obstruction exists.

i. All criminal violations of the International Fire Code and obstruction of a fire apparatus road may be enforced by any regular or reserve police officer of the Police Department.

j. Except when in compliance with the law or at the direction of a police or fire officer, no person shall stop, stand, or park a vehicle in an red or yellow area designated "Fire Lane."

k. Except when in compliance with the law or at the direction of a police or fire officer, and in accordance with RCW 46.61.570(1), no person shall stop, stand, or park a vehicle within fifteen feet of a fire hydrant.

l. Any person, firm, corporation or organization violating any of the provisions of this title shall be guilty of a civil infraction, punishable as provided in the NBMC. Every day or portion thereof during which any violation of this title occurs or continues shall constitute a separate offense.

Section 32. New NBMC 15.18.260 (General safety precautions), Adopted: A new North Bend Municipal Code Section 15.18.260 (General safety precautions) is hereby adopted to read as follows:

15.18.260 General safety precautions. The following sections of the International Fire Code as adopted are hereby amended to read as follows:

5003.9 General safety precautions.

General precautions for the safe storage, handling or care of hazardous materials shall be in accordance with Sections 5003.9.1 through 5003.9.11.

5003.9.11 Manufactures Limitations.

The storage and use of hazardous materials shall not exceed the manufacturer's limitations on shelf life and any other restrictions on use.

Section 33. New NBMC 15.18.270 (Emergency alarm system), Adopted: A new North Bend Municipal Code Section 15.18.270 (Emergency alarm system) is hereby adopted to read as follows:

15.18.270 Emergency alarm system. The following sections of the International Fire Code as adopted are hereby amended to read as follows:

5307.5.2 Emergency Alarm System.

1. Continuous gas detection shall be provided to monitor areas where carbon dioxide can accumulate.
2. The threshold for activation of an alarm shall not exceed 5,000 ppm (parts per million) (9,000mg/m3).
3. Activation of the emergency alarm system shall initiate a local alarm, at the entrance to room(s), and inside a room or area where CO2 systems are installed.
4. Require a warning sign at the entrance: "Carbon Dioxide Alarm. Do not enter. Call 911".

Section 34. New NBMC 15.18.280 (Explosive materials storage and handling – General), Adopted: A new North Bend Municipal Code Section 15.18.280 (Explosive materials storage and handling – General) is hereby adopted to read as follows:

15.18.280 Explosive materials storage and handling – General.
The following sections of the International Fire Code as adopted are hereby amended to read as follows:

5604.1 Explosive Materials Storage and Handling – General.

The storage of explosive materials is prohibited within the City Limits.

Exceptions:

1. Materials listed and stored in accordance with IFC 5601.1 "Exceptions 1-5, and 7-9."
2. Model rocket motors, as defined by 2013 NFPA 1122, stored in accordance with 2013 NFPA 1122 Sections 4.20.1 and 4.20.2. Quantities of more than one pound shall be stored in accordance with 2013 NFPA 1127 Sections 4.19.1 through 4.19.2.4.
3. When approved by the Fire Marshal, high power rocket motors as defined by 2013 NFPA 1127 and rocket motor reloading kits, stored in accordance with 2013 NFPA 1127 Sections 4.19.1 through 4.19.2.4, 4.19.4 and 4.19.5.

Section 35. New NBMC 15.18.290 (Manufacturing, assembly and testing of explosives, explosive materials, ammunition, blasting agents, and fireworks – General), Adopted: A new North Bend Municipal Code Section 15.18.290 (Manufacturing, assembly and testing of

explosives, explosive materials, ammunition, blasting agents, and fireworks – General) is hereby adopted to read as follows:

15.18.290 Manufacturing, assembly and testing of explosives, explosive materials, ammunition, blasting agents, and fireworks – General. The following sections of the International Fire Code as adopted are hereby amended to read as follows:

5605.1 Manufacturing, assembly and testing of explosives, explosive materials, ammunition, blasting agents, and fireworks – General.

The manufacturing of explosives, explosive materials, ammunition, blasting agents, and fireworks is prohibited within the City limits.

Section 36. New NBMC 15.18.300 (Storage and dispensing of flammable and combustible liquids), Adopted: A new North Bend Municipal Code Section 15.18.300 (Storage and dispensing of flammable and combustible liquids) is hereby adopted to read as follows:

15.18.300 Storage and dispensing of flammable and combustible liquids. The following sections of the International Fire Code as adopted are hereby amended to read as follows:

5706.2 Storage and dispensing of flammable and combustible liquids.

Permanent and temporary storage and dispensing of Class I and II liquids for private use on farms, at construction sites, and at Public Maintenance facilities owned by the City of North Bend or other Public agencies shall be in accordance with Sections 5706.2.1 through 5706.2.8.1

Exception: Storage and use of fuel oil and containers connected with oil-burning equipment regulated by Section 603 and the International Mechanical Code.

Section 37. New NBMC 15.18.310 (Maximum capacity within established limits), Adopted: A new North Bend Municipal Code Section 15.18.310 (Maximum capacity within established limits) is hereby adopted to read as follows:

15.18.310 Maximum capacity within established limits. The following sections of the International Fire Code as adopted are hereby amended to read as follows:

6104.2 Maximum capacity within established limits.

The aggregate capacity for the storage of Liquid Petroleum Gas (LPG) of any one installation shall not exceed 2,000 gallons water capacity, except that in particular installations this capacity limit

may be altered at the discretion of the chief after consideration of special features such as topographical conditions, nature of the occupancy and proximity to buildings, capacity of proposed tanks, degree of private fire protection to be provided, and facilities of the fire department.

Section 38. New NBMC 15.18.320 (Minimum specifications), Adopted: A new North Bend Municipal Code Section 15.18.320 (Minimum specifications) is hereby adopted to read as follows:

15.18.320 Minimum specifications. Appendix D, Section 103, of the International Fire Code as adopted is hereby amended to read as follows:

SECTION D103 MINIMUM SPECIFICATIONS.

D103.1 Access road width with a hydrant.

Where a fire hydrant is located on a fire apparatus access road, in accordance with NBMC 15.18.070, the minimum road width shall be 26 feet (7925 mm), exclusive of shoulders in accordance with Figure D103.1

D103.2 Grade.

Fire apparatus access roads shall be in accordance with NBMC 15.18.070

D103.3 Turning radius.

The minimum turning radius shall be determined by the fire code official.

D103.4 Dead ends.

Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

D103.5 Fire apparatus access road gates.

Fire apparatus access roads shall be in accordance with NBMC 15.18.070

D103.6 Signs.

Fire apparatus access roads shall be in accordance with NBMC 15.18.070

Section 39. New NBMC 15.18.330 (Single-family and multiple-family residential developments), Adopted: A new North Bend Municipal Code Section 15.18.330 (Single family and multiple-family residential developments) is hereby adopted to read as follows:

15.18.330 Single-family and multiple-family residential developments. Appendix D, Section 106, of the International Fire Code as adopted is hereby amended to read as follows:

SECTION D106 SINGLE-FAMILY AND MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS.

D106.1 Projects having more than 100 dwelling units. Single-family and multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

Exception: Projects having more than 100 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1, or 903.3.1.2, or 903.3.1.3 of the International Fire Code.

D106.2 Projects having more than 200 dwelling units. Multiple-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads, regardless of whether they are equipped with an approved automatic sprinkler system.

Section 40. NBMC 15.20.010 (Uniform Plumbing Code adopted), Amended: North Bend Municipal Code Section 15.20.010 (Uniform Plumbing Code adopted) is hereby amended to read as follows:

15.20.010 Uniform Plumbing Code adopted.

A. Plumbing Code Adopted. Except as provided in subsection (B) of this section, The 2015 edition of the Uniform Plumbing Code, including Appendices A, B, and I, published by the International Association of Plumbing and Mechanical Officials, as adopted and hereafter amended by the State Building Code Council in Chapter 51-56 WAC, is hereby adopted by reference with the following additions, deletions and exceptions: Excluding chapter 1, chapter 12, and chapter 15. Provided further that the requirements of the Uniform Plumbing Code relating to venting and combustion air of fuel fired appliances as found in chapter 5 and those portions of the Uniform Plumbing Code addressing building sewers, are hereby not adopted.

B. Approved Alternate Plumbing Code.

1. When requested in writing by the permit applicant, the 2015 International Plumbing Code, as published by the International Code Council, shall be considered an approved alternate for plumbing installations governed under the Uniform Plumbing Code.
2. When approved alternate plumbing codes are utilized, the entire plumbing installation shall be installed and governed under the provisions of the alternate code.

Section 41. NBMC 15.22.010 Repealed and Re-Adopted. North Bend Municipal Code Section 15.22.010 (Washington State Energy Code adopted) is hereby repealed in its entirety and a new Section 15.22.010 (International Energy Conservation Code of the State of Washington) is hereby adopted to read as follows:

15.22.010 International Energy Conservation Code of the State of Washington adopted. The 2015 International Energy Conservation Code of the State of Washington, as adopted and amended by the State Building Code Council in Chapter 51-11C and 51-11R WAC, is hereby adopted by reference.

Section 42. Repealer: North Bend Municipal Code Section 15.24.010 (Ventilation and Indoor Air Quality Code adopted) is hereby repealed in its entirety.

Section 43. NBMC 15.26.010 (International Property Maintenance Code adopted), Amended: North Bend Municipal Code Section 15.26.010 (International Property Maintenance Code adopted) is hereby amended to read as follows:

15.26.010 International Property Maintenance Code adopted. The 2015 edition of the International Property Maintenance Code as published by the International Code Council is hereby adopted with the following modifications.

Section 44. NBMC 15.26.060 (Prosecution of violation), Amended: North Bend Municipal Code Section 15.26.060 (Prosecution of violation) is hereby amended to read as follows:

15.26.060 Prosecution of violation.

Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a civil infraction in accordance with Chapter 1.20 NBMC, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this chapter or of the order or direction made pursuant thereto.

Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Section 45. NBMC 15.26.070 (Penalties), Amended: North Bend Municipal Code Section 15.26.070 (Penalties) is hereby amended to read as follows:

15.26.070 Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in Chapter 1.20 NBMC.

Section 46. NBMC 15.27.010 (International Green Construction Code adopted), Amended: North Bend Municipal Code Section 15.27.010 (International Green Construction Code adopted) is hereby amended to read as follows:

15.27.010 International Green Construction Code adopted.

The 2015 Edition of the International Green Construction Code as published by the International Code Council is hereby adopted as an alternate means of construction.

Section 47. Repealer: North Bend Municipal Code Chapter 15.32 (Uniform Sign Code) is hereby repealed in its entirety.

Section 48. NBMC 15.36.010, Repealed and Re-Adopted: North Bend Municipal Code Section 15.36.010 (Building moving – Building official’s permit required) is hereby repealed in its entirety and a new Section 15.36.010 (Building moving – Permit required) is hereby adopted to read as follows:

15.36.010 Building moving – Permit required.

It is unlawful for any person to move any building or structure over, along or across any highway, street, alley or public place in the city without first obtaining all required permits from the community and economic development department.

A. Any dwelling or accessory building proposed to be moved into the city must be structurally sound. Structural defects must be corrected.

B. After relocation, the dwelling must be in substantial conformance with fire and life safety requirements of the current building codes. This may include, but is not limited to:

1. Smoke alarms installed and interconnected where technically feasible;
2. Egress windows;
3. Stair landings, railings and guardrails;

4. Fire rated assemblies; and
5. Minimum requirements for sanitation, ventilation, heat and light.

Some requirements may be considered and modified on a case-by-case basis at the discretion of the building official where deemed not technically feasible.

C. Procedure.

1. Dwellings must be inspected prior to relocation within or into the City. If the dwelling is within the City, inspections will be performed by a City building inspector at the cost of the applicant. All dwellings outside of the City will be required to be inspected by a licensed engineer, at the cost of the applicant, to verify structural integrity and compliance with all Washington state and City codes pertaining to a moved dwelling;
2. The City will notify the originating jurisdiction, as appropriate, if the building can be permanently relocated to a City location;
3. The homeowner must receive separate approval from the originating jurisdiction to move the building over and across public rights-of-way;
4. The homeowner must receive approval from the City public works to move the building over and across City rights-of-way;
5. Prior to placement of any structure on a City land parcel, a building permit must be reviewed and approved.
6. That the requirements under NBMC 15.36.080 have been satisfied.

Section 49. NBMC 15.36.040 (Enforcement – Permittee liability), Amended: North Bend Municipal Code Section 15.36.040 (Enforcement – Permittee liability) is hereby amended to read as follows:

15.36.040 Enforcement – Permittee liability.

A. Enforcing Officers. The building official, or his or her designee, and the police department shall enforce and carry out the requirements of this chapter.

B. Permittee Liable for Expense Above Deposit. The permittee shall be liable for any expense, damages or costs in excess of deposited amounts or securities, and the city attorney shall prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such excessive amounts.

C. Original Premises Left Unsafe. The city shall proceed to do the work necessary to leaving the original premises in a safe and sanitary condition where the permittee does not comply with the requirements of this chapter, and the cost thereof shall be charged against the original deposit.

Section 50. NBMC 15.36.050 (Permit application – Fee), Amended: North Bend Municipal Code Section 15.36.050(Permit application – Fee) is hereby amended to read as follows:

15.36.050 Permit application – Fee.

A. Before a permit can be issued, an application must be submitted to the community and economic development department at least thirty (30) days before the proposed move. The application must be accompanied by an application fee as established by the taxes, rates and fees schedule adopted by ordinance.

B. Applications shall be submitted on forms provided by the community and economic development department and shall contain:

1. Location of the building to be moved;
2. Proposed new location of the building;
3. Permit number;
4. Dimensions of the building when loaded;
5. Proposed route for moving the building; and
6. Completed demolition permit application.

C. If the relocation site is within the city limits, the application shall, in addition to the information required above, also include:

1. A completed building permit application;
2. A completed building permit checklist; and.

3. A set of plans and specifications for the completed building.

D. The community and economic development department shall route copies of the application to the police department and the department of utilities for their review.

Section 51. Repealer: North Bend Municipal Code Section 15.36.060 (Conditions for securing permit – Inspection by building official) is hereby repealed in its entirety.

Section 52. NBMC 15.36.070 (Permit refused when), Amended: North Bend Municipal Code Section 15.36.070 (Permit refused when) is hereby amended to read as follows:

15.36.070 Permit refused when.

The community and economic development department shall refuse to issue a permit if it is found:

A. That any application requirement or any fee or deposit requirement has not been complied with;

B. That the building is too large to move without endangering persons or property in the city;

C. That the building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the city;

D. That the building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the city;

E. That the applicant's equipment is unsafe and that persons and property would be endangered by its use;

F. That zoning or other ordinances would be violated by the building in its new location;

G. Approval of the application by the police department, community and economic development department, and public works department shall be a condition precedent to issuance of the permit;

H. That the applicant has not furnished proof that all affected public and private utilities, including those involved with electricity, gas, telephone, water and sewer have been notified of the time of the move and the route to be followed; and

- I. That for any other reason persons or property in the city would be endangered by the moving of the building.

Section 53. NBMC 15.36.080 (Deposit – Estimated expense to city), Amended: North Bend Municipal Code Section 15.36.080 (Deposit – Estimated expense to city) is hereby amended to read as follows:

15.36.080 Deposit – Estimated expense to city.

Upon receipt of an application, the community and economic development department shall estimate the expense that will be incurred in removing and replacing any property of the city, the removal and replacement of which will be required by reason of the moving of the building through the city, together with the costs of materials necessary to be used in making such removals and replacements. Prior to the issuance of the permit, the community and economic development department shall require the applicant to deposit a sum of money equal to twice the amount of the estimated expenses.

Section 54. NBMC 15.36.090 (Deposit – Surety bond – Liability insurance), Amended: North Bend Municipal Code Section 15.36.090 (Deposit – Surety bond – Liability insurance) is hereby amended to read as follows:

15.36.090 Deposit – Surety bond – Liability insurance.

An application hereunder shall be accompanied:

A. By a cash deposit or corporate surety bond in the sum established by the taxes, rates and fees schedule adopted by ordinance payable to the city to indemnify the city for the following:

1. Damage which the city may sustain by reason of damage or injury to any highway, street or alley, sidewalk or other property of the city, which may be caused by or be incidental to the removal of any building over, along or across any street in the city; and
2. The cost of removing the structure if the applicant should abandon it before the move is completed; and
3. The cost of placing the original premises in a safe and sanitary condition where the applicant has failed to do so.

B. By a public liability insurance policy, naming the city as an insured or as an additional insured, in an amount established by the taxes, rates and fees schedule adopted by ordinance. The policy

shall remain in full force and effect during the moving operation. Any person moving a building within the city, at all times, shall protect and hold harmless the city from all claims, actions, suits, liability, less expense or damage of every kind and description, including court costs and attorney's fees, which may accrue to or be suffered or claimed by any person or persons, or the city itself, arising out of the moving operation;

C. By a cash deposit or corporate surety performance bond in the sum established by the taxes, rates and fees schedule adopted by ordinance, conditioned upon the permittee, within six months from the date of the issuance of such permit:

1. Completing the construction, painting and finishing of the exterior of the building; and
2. Faithfully complying with all requirements of this chapter, including but not limited to permittee completing such work within six months from the date of the issuance of such permit.
3. In the event the provisions of this subsection are not complied with within the time specified, the deposit shall be forfeited as a penalty for the default, and this shall be in addition to any other penalties provided for failure to comply with the terms of this chapter.

D. Any or all of the requirements contained in subsections A, B and C of this section may be waived at the discretion of the community and economic development director, or his or her designee.

Section 55. NBMC 15.36.100, Repealed and Re-Adopted: North Bend Municipal Code Section 15.36.100 (Deposit – Return – Building official's statement) is hereby amended repealed in its entirety and a new Section 15.36.100 (Deposit – Return – Statement) is hereby adopted to read as follows:

15.36.100 Deposit – Return – Statement.

A. Return Upon Nonissuance. Upon the refusal of the community and economic development department to issue a permit, the department shall return to the applicant all deposits and bonds excluding the application fee.

B. Return Upon Allowance for Expense. After the building has been removed, the community and economic development department shall prepare a final written statement for all expenses

incurred in removing and replacing all property belonging to the city, and all material used in the making of the removal and replacement together with a statement of all damage caused to or inflicted upon property belonging to the city. The community and economic development department shall return to the applicant all deposits after deduction of a sum sufficient to pay for all of the cost and expenses and for all damage done to property of the city by reason of the removal of the building.

Section 56. NBMC 15.36.110 (Duties of permittee), Amended: North Bend Municipal Code Section 15.36.110 (Duties of permittee) is hereby amended to read as follows:

15.36.110 Duties of permittee.

The permittee shall:

- A. Use designated streets: move a building only over streets designated for such use in the written permit;
- B. Notify of revised moving time: notify the community and economic development department in writing of a desired change in moving date and hours as proposed in the application;
- C. Notify of damage: notify the community and economic development department in writing of any and all damage done to property belonging to the city within 24 hours after the damage or injury has occurred;
- D. Display lights: cause red lights to be displayed during the nighttime on every side of the building, while standing on a street, in such manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such manner as to protect the public from damage or injury by reason of the removal of the building;
- E. Remove after street occupancy period: remove the building from the city streets after four days of such occupancy, unless an extension is granted by the community and economic development department;
- F. Comply with governing law: within 6 months from the date of issuance of the permit, comply with the city building, fire and zoning ordinances, and all other applicable ordinances and laws upon relocating the building in the city;

G. Pay expense of officer: pay the expense of a traffic officers ordered by the City to accompany the movement of the building to protect the public from injury;

H. Clear old premises: remove all rubbish and materials and fill all excavations to existing grade at the original building site so that the premises are left in a safe and sanitary condition; and

I. Cap the existing utilities at the property line where the building is being moved from or, if the property is served by an individual sewage disposal system, to remove the tank.

Section 57. NBMC 15.36.120, Repealed and Re-Adopted: North Bend Municipal Code Section 15.36.120 (Building official to set maximum time for move) is hereby repealed in its entirety and a new Section 15.36.120 (Community and economic development department to set maximum time for move) is hereby adopted to read as follows:

15.36.120 Community and economic development department to set maximum time for move.

The community and economic development department shall designate the time within which the move must be completed. If more than one day will be required to move the structure, the building official shall designate where the structure may be located when not being moved, and how it shall be equipped to warn the public of the danger involved. The applicant shall comply with such designations.

Section 58. NBMC 15.36.130, Repealed and Re-Adopted: North Bend Municipal Code Section 15.36.130 (Building official to designate streets for moving buildings) is hereby repealed in its entirety and a new Section 15.36.130 (Director of public works to designate streets for moving buildings) is hereby adopted to read as follows:

15.36.130 Director of Public Works to designate streets for moving buildings.

A. The public works department shall:

1. Determine the probable disruption and cost which the moving of a building will cause to owners of wires and cables, and also the probable injury and inconvenience the severance of such wires and cables will cause to patrons of public utilities;
2. Ascertain the probable interference with the rights of the public that such a moving will cause, and any other facts which may aid in determining whether or not such permit should be granted; and

3. Prescribe the time such moving shall be done, the route to be followed and such traffic barricades and escorts and any other stipulations deemed necessary for public safety and convenience.

B. The director of public works may, if the disruption to public utilities, private property or the traveling public is apparently excessive relative to the value of the building to be moved, deny the permit subject to the rights of the applicant to appeal said denial to the hearing examiner as governed by the procedures set forth in NBMC Chapter 2.20.

Section 59. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 60. Effective Date: This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 7TH DAY OF JUNE, 2016.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Published: June 15, 2016
Effective: June 20, 2016

Susie Oppedal, City Clerk